

No. 22-1286

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

TERADATA CORPORATION, TERADATA US, INC., TERADATA OPERATIONS, INC.,
Plaintiffs-Appellants,

v.

SAP SE, SAP AMERICA, INC., SAP LABS LLC,
Defendants-Appellees.

Appeal from the United States District Court for the Northern District of
California, Case No. 3:18-cv-03670, Hon. William H. Orrick

**UNOPPOSED MOTION OF TERADATA CORPORATION,
TERADATA US, INC., AND TERADATA OPERATIONS, INC.
FOR LEAVE TO APPEAR REMOTELY AT ORAL ARGUMENT
OR TO WAIVE THE COURT’S REVISED PROTOCOLS FOR IN-PERSON
ARGUMENTS**

Pursuant to the Court’s Revised Protocols for In-Person Arguments (Nov. 15, 2022) (“Revised Protocols”), plaintiffs-appellants Teradata Corporation, Teradata US, Inc., and Teradata Operations, Inc. (collectively, “Teradata”) move for leave for its arguing counsel to appear in the Thursday, June 8, 2023 oral argument either (1) remotely by video or (2) in person despite the Revised Protocols. Defendants-appellees SAP SE, SAP America, Inc., and SAP Labs LLC and amicus the United States have stated that they do not oppose this motion and will not file a response.

Teradata's arguing counsel, Deanne E. Maynard, is preparing for and planning to present oral argument in this case. She began experiencing symptoms related to COVID-19 on Thursday, May 25, 2023, and tested positive for COVID-19 on Saturday, May 27, 2023, within 14 days of oral argument. The Court's Revised Protocols provide that no person may enter the National Courts Building if they have tested positive for COVID-19 within the previous 14 days.

Teradata understands that, consistent with the Revised Protocols, the Court has granted leave for counsel to appear remotely by video in these circumstances. Teradata thus respectfully requests that Ms. Maynard be allowed to do so. However, Teradata also understands the Court's "strong preference for in-person argument" (Revised Protocols at 1) and would likewise prefer Ms. Maynard to appear in person. The most-recent CDC guidelines state that a person may end isolation and discontinue wearing a mask in public 11 days after first experiencing symptoms. Centers for Disease Control and Prevention, *Isolation and Precautions for People with COVID-19*, <https://www.cdc.gov/coronavirus/2019-ncov/your-health/isolation.html> (last updated May 11, 2023) (also noting that a person may end isolation as soon as 5 days after the onset of symptoms). As Ms. Maynard first experienced symptoms 14 days before the oral argument, she would be outside the CDC's 11-day period for isolation and mask-wearing several days before the scheduled argument. In the alternative, Teradata thus respectfully requests leave for

Ms. Maynard to appear in person at oral argument notwithstanding the Revised Protocols. This alternative request would be Teradata's preference, if it were acceptable to the Court.

Dated: June 1, 2023

Respectfully submitted,

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San Francisco, CA 94105

/s/ Deanne E. Maynard
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*Counsel for Plaintiffs-Appellants Teradata Corporation,
Teradata US, Inc., and Teradata Operations, Inc.*

CERTIFICATE OF INTEREST

Counsel for Teradata Corporation, Teradata US, Inc., and Teradata Operations, Inc. certify under Federal Circuit Rule 47.4 that the following information is accurate and complete to the best of their knowledge:

1. **Represented Entities.** Provide the full names of all entities represented by undersigned counsel in this case.

Teradata Corporation; Teradata US, Inc.; Teradata Operations, Inc.

2. **Real Parties in Interest.** Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities.

None.

3. **Parent Corporations and Stockholders.** Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities.

Teradata Corporation has no parent corporation, and no publicly-held corporation owns 10% or more of its stock. Teradata US, Inc. and Teradata Operations, Inc. are wholly-owned subsidiaries of Teradata Corporation.

4. **Legal Representatives.** List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court.

MORRISON & FOERSTER LLP: Corinna J. Alanis (no longer with firm); Christian G. Andreu-von Euw (no longer with firm); Shouvik Biswas; Aaron David Dakin Bray; Eileen M. Brogan (no longer with firm); G. Brian Busey; Jayson L. Cohen (no longer with firm); Fitz B. Collings; James R. Hancock; Brian L. Hazen (no longer with firm); Mary G. Kaiser; Sean W. Kang; Jack W. Londen; Bradley S. Lui; Robert W. Manoso; Natasha G. Menell (no longer with firm); Daniel P. Muino; Erik J. Olson; Wesley E. Overson, Jr. (no longer with firm); Fahd H. Patel; Aaron D. Rauh (no longer with the firm); Wendy J. Ray; Mathieu Swiderski; Roman A. Swoopes; Bryan J. Wilson; Michelle L. Yocum

CHARIS LEX P.C.: Sean P. Gates

TODD B. CARVER, ATTORNEY AT LAW: Todd B. Carver

5. **Related Cases.** Provide the case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. Do not include the originating case number(s) for this case.

None.

6. **Organizational Victims and Bankruptcy Cases.** Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees).

Not applicable.

Dated: June 1, 2023

/s/ Deanne E. Maynard

Deanne E. Maynard

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Appeal from the United States District Court for the Northern District of
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**DECLARATION OF DEANNE E. MAYNARD IN SUPPORT OF
TERADATA CORPORATION, TERADATA US, INC., AND TERADATA
OPERATIONS, INC.'S UNOPPOSED MOTION FOR LEAVE TO APPEAR
REMOTELY AT ORAL ARGUMENT OR TO WAIVE THE COURT'S
REVISED PROTOCOLS FOR IN-PERSON ARGUMENTS**

I, Deanne E. Maynard, hereby declare under penalty of perjury under
28 U.S.C. § 1746:

1. I am an attorney duly licensed to practice law in the District of
Columbia and Virginia, and I am admitted to practice before this Court. I am a
partner with the law firm of Morrison & Foerster LLP, and counsel of record for
plaintiffs-appellants Teradata Corporation, Teradata US, Inc., and Teradata
Operations, Inc. (collectively, "Teradata") in this appeal. I make this declaration in

support of Teradata's unopposed motion for leave to appear remotely at the oral argument scheduled in this case for Thursday, June 8, 2023, or alternatively, for leave to appear in person at the oral argument despite the Revised Protocols.

2. I began experiencing symptoms related to COVID-19 on Thursday, May 25, 2023, and tested positive for COVID-19 on Saturday, May 27, 2023, within 14 days of oral argument. These facts, as well as any other facts set out in the motion, are, to the best of my knowledge, true and correct, and are based on my personal knowledge.

Executed on this 1st day of June, 2023.

/s/ Deanne E. Maynard

Deanne E. Maynard

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing motion complies with the type-volume limitations of Federal Rules of Appellate Procedure 27 and 32 because it contains 345 words.

This motion complies with the typeface requirement of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface, including serifs, using Microsoft Word 2022 in Times New Roman 14-point font.

Dated: June 1, 2023

/s/ Deanne E. Maynard

Deanne E. Maynard